

M E M O R A N D U M

September 10, 1987

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: WILLIAM WHITNEY, ACTING ASSISTANT
DIRECTOR FOR DEVELOPMENT AND URBAN DESIGN
PAMELA WESSLING, DEPUTY ASSISTANT DIRECTOR
FOR DEVELOPMENT AND URBAN DESIGN

SUBJECT: CONFIRMATORY TAKING OF A SMALL PARCEL OF LAND IN THE
PARK PLAZA URBAN RENEWAL PROJECT AREA TO REFLECT
AS-BUILT CONDITIONS RELATED TO HERITAGE-ON-THE-GARDEN

SUMMARY: The as-built location of an underground electrical transformer vault related to Heritage-on-the-Garden lies approximately 1 1/2 feet west of property taken by the Authority and conveyed to the developer. The Authority is asked to carry out a confirmatory taking and conveyance to the developer of approximately 19.73 square feet of surface area in order that property ownership of the vault conform to the as-built condition.

On December 5, 1985 the Authority took by eminent domain several parcels in the Arlington/Hadassah redevelopment block in the Park Plaza Urban Renewal Project Area. The parcels were conveyed to the developer of Heritage-on-the-Garden pursuant to the land disposition agreement dated June 26, 1986. Boston Edison Company subsequently constructed an electrical transformer vault on the Park Plaza side of Heritage-on-the-Garden, and it was recently discovered that the as-built location of the transformer vault differs slightly from the area taken by the Authority and conveyed to the developer. Although the total area of the transformer vault remains as planned, the vault was actually constructed approximately 1 1/2 feet west of the location of the parcel taken and conveyed to the developer.

As indicated on Exhibit A: As-built Survey, the as-built location is 1.43 feet to the west of the taking line at the western edge of the vault, and the easterly wall of the transformer vault is approximately 1.62 feet to the west of the taking line. It is therefore advisable that the Authority take the additional 19.73 square feet of surface area and convey the sub-surface easement to the developer so that the property lines conform to the as-built location of the transformer vault.

As appropriate vote follows:

VOTED: That the Authority adopt the attached order of taking for approximately 19.73 square feet of surface area and further that the Authority authorize the Director to execute an additional deed or easement agreement as necessary to effectuate the minor change in the underground vault configuration.

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200000

DOCUMENT NO.

4946

ADOPTED 9/10/87

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated **SEP 10 1987** relating to portions of the PARK PLAZA URBAN RENEWAL AREA, be executed together with a Plan entitled, "Taking Plan - Park Plaza, Boston Redevelopment Authority, Boston - Suffolk County - Massachusetts," dated September 3, 1987, and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Robert L. Farrell
Joseph J. Walsh
James K. Flaherty

Clarence J. Jones
Michael F. Donlan

A true copy

ATTEST:

Kaus J. J. J.
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book , page , an ORDER OF TAKING dated August 20, 1981, concerning and describing the PARK PLAZA URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, §40.

NOW THEREFORE BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant hereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such

fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provisions of said c. 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

SEP 10 1987

BOSTON REDEVELOPMENT AUTHORITY

By:

[Signature]

[Signature]

[Signature]

[Signature]

ATTEST:

[Signature]

Secretary of the Boston Redevelopment Authority

Approved as to Form:

[Signature]

Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

PARK PLAZA URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcel of land is to be taken by this
Order of Taking

A parcel of land, containing approximately 21 square feet of surface area, shown on a Plan entitled, "Taking Plan Park Plaza, Boston Redevelopment Authority Project, Boston, Suffolk County, Massachusetts," prepared by Cullinan Engineering Co., Inc., Auburn-Boston, Massachusetts, Civil Engineers - Land Surveyors, and dated September 3, 1987, which Plan is recorded herewith.

The owner of the parcel of land hereby taken is unknown.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

PARK PLAZA URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking.